

**ORDINANCE NO. 2010-996-O**

**AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 18-5  
OF THE WASHINGTON COUNTY CODE, CONDITIONAL USES,  
DEVELOPMENT PLAN, BY ADDING SPECIAL NOTICE REQUIREMENTS  
FOR CONDITIONAL USE APPLICATIONS**

WHEREAS, Washington County has previously adopted Title 10-18-5 of the Washington County Code (Conditional Uses, Development Plan); and

WHEREAS, Washington County complies with Utah State Code notice requirements for purposes of Title 10-18-5 of the Washington County Code for conditional uses; and,

WHEREAS, more public notice than that required by the Utah State Code is desired for new conditional use applications, therefore Title 10-18-5 needs to be amended.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Washington County that Title 10-18-5 of the Washington County Code is hereby amended and superseded as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Amendment of Title 10-18-5 of the Washington County Code
5. Prior Ordinances, Resolutions, Policies and Actions Superseded
6. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208, 17-53-223, 7-27a-102, and 7-27a-501 *et seq.* (1953, as amended).

2. Purpose of Provisions.

The purpose of this ordinance is to amend Title 10-18-5 of the Washington County Code to provide for more notice than the Utah State Code requires for Conditional Uses.

3. Findings.

- A. The Utah State Code does not require special notice requirements for conditional uses, other than a general 24 hour notice prior to any public meeting.

- B. Members of the public have requested that more notice than the 24 hour notice prior to any public meeting for conditional uses be mandated by the Washington County Code.
- C. The 24 hour notice of public meeting for conditional uses is inadequate notice and does not inform the public that a proposed use on property that is the subject of a conditional use application is pending.
- D. A sign posed on the property of the proposed conditional use that is easily accessible and in a conspicuous location, that is large enough to be viewed by the public, providing information on the proposed use and where information may be obtained, would provide fundamental fairness to land use regulation in Washington County, and said section of the Washington County Code needs to be amended.
- E. The Planning Commission caused notice of the hearing and the proposed amendment of Title 10-18-5 of the Washington County Code Title to be advertised at least ten (10) days before the date of the public hearing in *The Spectrum*, a newspaper of general circulation in Washington County.
- F. On June 8, 2010, at 1:30 p.m., the Planning Commission held a public hearing to consider any comments regarding the proposed amendment of Title 10-18-5 of the Washington County Code. The Planning Commission accepted all comments.
- G. The proposed amendment of Title 10-18-5 of the Washington County Code was submitted to the Washington County Planning Commission ("Planning Commission") on June 8, 2010. The Planning Commission recommended approval of the proposed amendment.
- H. It is in the interest of the public and the citizens of Washington County that the proposed amendment of Title 10-18-5 of the Washington County Code be approved.

4. Title 10-18-5 of the Washington County Code is hereby amended as follows:

10-18-5: DEVELOPMENT PLAN:

- A. The applicant for a conditional use permit shall prepare a site plan and elevations (as may be necessary) for the site development proposed to be developed. The plan shall be drawn to scale and shall show all existing and proposed buildings, fences, general landscape layout, automobile circulation and parking, loading areas, garbage collection areas, lighting, signs, topographic maps for irregular land, soils reports, vicinity map, drainage plan and any other information that the planning department may deem necessary to properly consider the application.

- B. The planning commission will not consider the conditional use permit without the preparation and submission of an accurate and complete development plan. (Ord. 2008-955-O, 2-19-2008)

C. Meeting To Be Scheduled; Notice:

The applicant will post in an easily accessible, conspicuous location on the property of the proposed conditional use, a notice seven(7) days prior to the meeting. The sign shall be two sided, viewed coming and going for inspection by the public, directing the public to contact the Planning Office or access the Washington County Website for information regarding the proposed conditional use. The notice will be posted in such a manner as to be legible through the date of the meeting, being like a professional real estate sign, not less than 18" x 24", or does not exceed thirty two (32) square feet as referenced in Washington County Code 10-19-3.A.3 Temporary Sign.

1. A copy of template for the notice and instruction will be provided by staff
2. Proof of posting property by submitting a photograph will be required for the staff meeting held one week preceding the meeting date.
3. Removal of the notice by the applicant shall be within ten (10) days after the land use authority meeting.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes Title 10-18-5 of the Washington County Code, and all prior ordinances, resolutions, policies, and actions of the Washington County Board of County Commissioners to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this \_\_\_\_ day of June 2010.

WASHINGTON COUNTY

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JAMES J. EARDLEY, Chair  
Washington County Commission

ATTEST:

\_\_\_\_\_  
Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Eardley voted \_\_\_\_  
Commissioner Gardner voted \_\_\_\_  
Commissioner Drake voted \_\_\_\_